



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

August 7, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glory Hole Homeowners' Association
c/o Doug Christiansen
#6 N. Pineview Drive
Gillette, WY 82716

Re: Administrative Order
Docket No. **SDWA-08-2003-0042**
PWS ID #5601490

Dear Mr. Christiansen:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Glory Hole Homeowners' Association ("HOA") is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations at 40 C.F.R. §§ 141.23(d), 141.86, and 141.31(b) for failure to monitor for nitrate and lead and copper, and failure to report SDWA violations to EPA.

This is the second Order issued to the HOA. The first Order, Docket No. SDWA-08-2002-33, was issued September 17, 2002 for failure to monitor for radionuclides and bacteriological quality and remains in effect. This Order is for violations of different contaminants that occurred after the initial Order was issued. Now that the HOA has retained Bruce Engineering as your contract operator, we are hopeful that your system can come into and maintain compliance with the Safe Drinking Water Act.

If the HOA complies with the enclosed Administrative Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed Administrative Order is the date of issuance. Within the next



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10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kathelene Brainich at the address on the letterhead, include the mailcode 8ENF-T, or you may call Ms. Brainich (800) 227-8917, extension 6481, or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney or have legal questions, please call James M. Stearns at the above 800 number, extension 6912, or at (303) 312-6912.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order

cc: Dave Stueck, Bruce Engineering
Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

August 7, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Alan Weakly
500 S. Gillette Avenue
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Glory Hole Homeowners'
Association PWS #5601490C

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Glory Hole Homeowners' Association (HOA), Gillette, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The HOA is in violation of 40 C.F.R. §§ 141.23(d), 141.86, and 141.31(b) for failing to monitor for nitrate and lead and copper, and failure to report the violations to EPA. This is the second Order issued to the HOA. The initial Order was issued September 17, 2002.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Glory Hole Homeowners' Association)	
Gillette, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. §300g-3(g))	Docket No. SDWA-08-2003-0042
)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Glory Hole Homeowners' Association (Respondent) is an association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Glory Hole Homeowners' Association Water System (the "System"), located in Campbell County, Wyoming, for the provision to the public of piped water for human consumption.



3. The Glory Hole Homeowners' Association Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. §300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a March 2002 sanitary survey conducted by an agent for EPA, Respondent operates a system that is supplied by one well and serves approximately 75 persons per day through 24 service connections and is operational all year. The system was determined to be a public water system as of September 2001.

FINDINGS OF VIOLATION

I.



1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent last monitored for nitrate in December 2001 but failed to monitor in 2002, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.86 requires community and non-transient, non-community water systems to monitor tap water for lead and copper for two consecutive six-month compliance periods.
2. Respondent failed to take sufficient samples during the period January 1, 2002 - June 30, 2002 and failed to monitor during the monitoring period July 1, 2002 - December 31, 2002, in violation of 40 C.F.R. § 141.86.

III.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I and II of this Order, in violation of 40 C.F.R. § 141.31(b).

ORDER



Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order and annually thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. No later than December 31, 2003, Respondent shall comply with the requirements as specified in the Safe Drinking Water Act and 40 C.F.R. Part I (Control of Lead and Copper) by taking a second set of initial lead and copper samples (first set taken April 2003). Respondent shall:
 - (a) Conduct a materials analysis and select sampling sites in accordance with 40 C.F.R. § 141.86(a);
 - (b) Collect samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with §141.86(b);



- (c) Collect 5 samples in accordance with 40 C.F.R. § 141.86(c); and,
- (d) Have samples analyzed by an EPA certified laboratory, in accordance with 40 C.F.R. § 141.90;
- (e) Report the results of the tap water monitoring for lead and copper in accordance with 40 C.F.R. § 141.90(a), including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;
 - iii. where residents collected the samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R. § 141.86(b) (2);



- iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R. § 141.80(c)(3).
3. If the results of the 90th percentile lead level exceed .015 mg/L (15 ppb) or the 90th percentile copper level exceeds 1.3 mg/L, based on samples collected in paragraph 3 of this Order, Respondent shall comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water monitoring and reporting as specified in 40 C.F.R. §§ 141.88, 141.89, and 141.90. Respondent shall:
- (a) Collect tap samples that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(i). Respondent may collect WQPs at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.
 - (b) Collect samples at entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(ii).



- (c) Collect 2 tap samples at 1 site in accordance with 40 C.F.R. § 141.87(a)(2)(i) and 2 samples for each applicable WQP at each entry point to the distribution system, in accordance with 40 C.F.R. § 141.87(a)(2)(ii). The applicable WQPs are specified in §141.87(b) and are:
 - i. pH
 - ii. alkalinity
 - iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
 - iv. silica (when an inhibitor containing a silicate compound is used)
 - v. calcium
 - vi. conductivity, and
 - vii. water temperature
 - (d) Collect one source water sample from each entry point to the distribution system within 6 months of exceeding the lead and copper action levels, in accordance with §§141.88(a) and (b).
 - (e) Have samples analyzed by an EPA certified laboratory, in accordance with 40 C.F.R. § 141.89.
4. Respondent shall report the results of WQP monitoring in accordance with 40 C.F.R. §§ 141.90(a)(1)(vi) and



(vii) and source water monitoring in accordance with 40 C.F.R. §141.90(b) .

5. Upon the effective date this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region VIII (8ENF-T)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, in an action instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g)(3)(B) of the



Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).

3. Violation of any requirement of the SDWA or its implementing regulations, in an action instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 7TH day of August, 2003.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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IF YOU WOULD LIKE COPIES OF THE ENCLOSURES, PLEASE CONTACT
THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON AUGUST 7,
2003.



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